

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Marc E. Hirschfield  
Nicholas J. Cremona  
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JOHN J. RUSSELL, individually and in his  
capacity as a joint tenant; and ANITA RUSSELL,  
individually and in her capacity as a joint tenant,  
Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04451 (SMB)

**NOTICE OF MEDIATION REFERRAL**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”) [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A.

Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby state that they have completed discovery in the above-referenced adversary proceeding and agree to be referred to mandatory mediation at this time.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order.

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: New York, New York

March 17, 2014

/s/ Nicholas J. Cremona

Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
E-mail: [dsheehand@bakerlaw.com](mailto:dsheehand@bakerlaw.com)  
Marc E. Hirschfield  
E-mail: [mhirschfield@bakerlaw.com](mailto:mhirschfield@bakerlaw.com)  
Nicholas J. Cremona  
E-mail: [jcremona@bakerlaw.com](mailto:jcremona@bakerlaw.com)

*Attorneys for Irving H. Picard,  
Trustee for the Substantively Consolidated  
SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

/s/ David R. Doyle

Shaw Fishman Glantz & Towbin LLC  
321 N. Clark St., Suite 800  
Chicago, IL 60654  
Telephone: 312.541.0151  
Facsimile: 312.980.3888  
David R. Doyle  
E-mail: [ddoyle@shawfishman.com](mailto:ddoyle@shawfishman.com)  
Brian L. Shaw  
E-mail: [bshaw@shawfishman.com](mailto:bshaw@shawfishman.com)

*Attorneys for Defendants  
John J. Russell, individually and in his  
capacity as a joint tenant, and Anita Russell,  
individually and in her capacity as a  
joint tenant*